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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,073	02/13/2004	Gabriel Pecouyoul	CELA:113	4140
6160	7590	09/16/2005	EXAMINER	
PARKHURST & WENDEL, L.L.P. 1421 PRINCE STREET SUITE 210 ALEXANDRIA, VA 22314-2805			KERSHTEYN, IGOR	
			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/777,073

Applicant(s)

PECOUYOUL, GABRIEL

Examiner

Igor Kershteyn

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8,9 and 11 is/are rejected.
- 7) ☒ Claim(s) 2,7,10 and 12-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/13/04, 5/13/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claims 1, 5, 7, and 9 are objected to because of the following informalities:

Claim 1 recites the limitation "the different components" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "said filter" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "said second plane wall" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "said second plane wall" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "said filter" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "said filter" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koomey (3,775,736) in view of Dixon (4,122,687).

Koomey teaches an electro-hydraulic generator 10 comprising a tank of hydraulic fluid 44 and a set of components comprising a motor 48 driving a hydraulic pump 46, an accumulator 30, means 36,38 to distribute the hydraulic fluid and means linking the different components, wherein the tank 44 and the components are inserted into a cylindrical volume delimited by a circular surface (not numbered), a second plane end face (not numbered), and in that the components are fastened to the tank 44, wherein the motor 48 is a direct current low voltage electric motor.

Koomey doesn't teach a first plane end face and an exchanger arranged according to the circular surface.

Dixon, in figures 5-7, teaches an electro-hydraulic generator inserted into a cylindrical volume delimited by a circular surface 18, and a first plane end surface 20.

Since Koomey and Dixon are analogous art because they are from the same field of endeavor, that is the electro-hydraulic generator art, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the cylindrical volume of Koomey with the plane end surface as taught by Dixon for the purpose of stabilizing the generator assembly in a horizontal position and eliminating the any additional brackets.

Koomey does not teach an exchanger arranged according to the circular surface.

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Dixon, in figures 5 and 6, teaches an exchanger 23 arranged according to the circular surface 18.

Since Koomey and Dixon are analogous art because they are from the same field of endeavor, that is the electro-hydraulic generator art, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to equip the electro-hydraulic generator of Koomey with the exchanger arranged according to the circular surface as taught by Dixon for the purpose of maintaining the working fluid at desired temperatures to prevent overheating of the working fluid.

Claims 4, 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koomey (3,775,736) as modified by Dixon (4,122,687) in view of Gourlay et al. (3,357,179).

Koomey as modified by Dixon teach all the claimed subject matter except that they don't teach the filter fastened on the tank and partly or fully inserted into the tank.

Gouplay et al. in figure 8, teach an electro-hydraulic generator 10, having a tank 36, and a filter 58 fastened on the tank 36 and partly or fully inserted into the tank 36.

Since Koomey as modified by Dixon and Gourlay et al. are analogous art because they are from the same field of endeavor, that is the electro-hydraulic generator art, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to equip the electro-hydraulic generator of Koomey as modified by Dixon with the filter as taught by Gourlay et al. for the purpose of filtering the working fluid from contaminants.

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Koomey as modified by Dixon don't teach the pump being immersed in the tank.

Gourlay et al., in figure 8, teach the pump 14 being immersed in the tank 36.

Since Koomey as modified by Dixon and Gourlay et al. are analogous art because they are from the same field of endeavor, that is the electro-hydraulic generator art, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the electro-hydraulic generator of Koomey as modified by Dixon with the immersed pump as taught by Gourlay et al. for the purpose of eliminating a suction line thus improving the condition of the suction port of the pump.

Claims 1, 5, 6, 8, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer (2,893,355) in view of Leathers et al. (3,015,254).

Bauer, in figures 1 and 2, teaches an electro-hydraulic generator 1 comprising a tank of hydraulic fluid 11 and a set of components comprising a motor 2 driving a hydraulic pump 10, an accumulator 164, means 4 to distribute the hydraulic fluid and means linking the different components, and in that the components are fastened to the tank 11, wherein said components and said filter 14 are fastened on a second plane wall, the motor 2 is a DC low voltage motor, said filter 14 is fully inserted in said tank, and a method to use the generator 1 to move at least one head assembly comprising an actuator 5 driving a shaft, integral with a turret head, in rotation.

Bauer doesn't teach the tank and the components are inserted into a cylindrical volume delimited by a circular surface, a first plane end face, a second plane end face.

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Leathers et al., in figure 2B and column 1, lines 43-46, teach an electro-hydraulic generator having the tank 38 and the components are inserted into a cylindrical volume 14 delimited by a circular surface (not numbered), a first plane end face 12, a second plane end face (not numbered).

Since Bauer and Leathers et al. are analogous art because they are from the same field of endeavor, that is the electro-hydraulic generator for turret heads art, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to insert the electro-hydraulic generator of Bauer into the turret head as taught by Leathers et al. for the purpose of power assisting in aiming a turret gun.

#### ***Allowable Subject Matter***

Claims 2, 7, 10, and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Prior Art***

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of two patents.

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Johnson et al. (3,907,120) is cited to show an electro-hydraulic generator having an immerse pump, and other components inserted into a tank but fails to teach a circular surface.

LeBlanc et al. (4,573,397) is cited to show an electro-hydraulic generator having an immerse pump, a filter and other components mounted on a tank but fails to teach the components are inserted into a cylindrical volume delimited by a circular surface, a first plane end face, a second plane end face.

***Contact information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is **(571)272-4817**. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on **(571)272-4820**. The fax number is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK  
September 12, 2005



**Igor Kershteyn**  
**Patent examiner.**  
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